THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 13462 of 2002

DATED: 04.07.2007

Between:

The Government Aided Rudramamba High School,
Girmajipet, Warangal, rep. by its
Head Master A.Veera Swamy.

.. Petitioner.

And

The Deputy Educational Officer, Warangal,
Special Officer for Government Aided
Rudramamba High School, Girmajipet,
Warangal, Warangal district,
and others.

.. Respondents.

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ORDER:

In this writ petition, the petitioner has questioned the validity of the proceedings issued by the second respondent-District Educational Officer, Warangal in N.Dis.No.9803/D4/2001, dated 16.08.2001, wherein the proposal submitted by the Special Officer, the first respondent herein, for promotion of eligible Secondary Grade Teachers to the post of Grade-I Telugu Pandit was returned on the ground that the powers of the Special Officer are not clearly described, and further to direct the first and third respondents to discharge the duties of the Manager/Correspondent of the petitioner School by making appointment and giving promotions to necessary staff.

2. The petitioner is an Aided High School. In the petitioner-School, certain posts are admitted in grant in aid. One post of Grade-I Telugu Pandit has fallen vacant as early as on 30.04.1999. In view of some allegations made against the Management of the petitioner-School, the second respondent issued proceedings in RC.No.270/D1-4/2001, dated 19.02.2001, appointing the Deputy Educational Officer (W), Warangal, the first respondent herein, as Special Officer to the petitioner-School to lookafter the affairs of the institution till the correspondentship of the institution is approved by the competent authority. Further, it is stated that when the first respondent, as Special Officer of the petitioner-school, has issued proceedings in Letter

No.204/B/2001 to the Head Master of the Petitioner-School requesting to furnish the particulars of the eligible candidates for promotion to the post of Grade-I Telugu Pandit, the Head Master of the Petitioner School sent a letter, dated 30.07.2001, furnishing the list of such teachers, who are eligible for promotion to the post of Grade-I Telugu Pandit, and subsequently, when the same was forwarded by the Special Officer to the second respondent, vide his Lr.Rc.No.204/B/2001, dated 03.08.2001, requesting him to take further action, the impugned orders were passed by the second respondent only on one ground namely the powers of the Special Officer were not clearly described.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Education.

4. Under the Scheme of the A.P.Education Act, 1982 (for short 'the Act') particularly, under Section 24 (3) (a) of the Act, when the competent authority is satisfied that the management is responsible for the lapses or irregularities of the institution, the Special Officer can be appointed to manage the affairs of the institution. In the instant case, as much as the Special Officer is already appointed to manage the affairs of the petitioner-School, the proposal sent by him to fill up the existing vacant post of Grade-I Telugu Pandit ought not to have been returned only on the ground that the powers of the Special Officer were not clearly described. The very order of the appointment itself indicates that the Special Officer is empowered to manage the affairs of the petitioner-School and one of such powers includes sending of proposals for making appointments in the vacant posts.

In that view of the matter, for any appointments to be made to the petitioner-School, the first respondent as Special Officer shall forward

the proposals for such appointments to the competent authority through the District Educational Officer, Warangal, the second respondent, and the competent authority is directed to consider such proposals and pass appropriate orders as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.04.07.2007
v v